



**CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

# ENTERED

**THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET**

**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed February 17, 2022**

Harry G. C. Jones  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:**

**ACIS CAPITAL MANAGEMENT, L.P.,  
ACIS CAPITAL MANAGEMENT GP,  
LLC,**

## Debtors.



**Case No. 18-30264-SGJ-11**

**Case No. 18-30265-SGJ-11**

**(Jointly Administered Under Case  
No. 18-30264-SGJ-11)**

## Chapter 11

**ACIS CAPITAL MANAGEMENT, L.P.,  
ACIS CAPITAL MANAGEMENT GP,  
LLC, Reorganized Debtors,**

**Plaintiffs,**

**vs.**

**JAMES DONDERO, FRANK  
WATERHOUSE, SCOTT ELLINGTON,  
HUNTER COVITZ, ISAAC LEVENTON,  
JEAN PAUL SEVILLA, THOMAS  
SURGENT, GRANT SCOTT, HEATHER  
BESTWICK, WILLIAM SCOTT, AND  
CLO HOLDCO, LTD.,**

                

**Adversary No. 20-03060-SGJ**

**Defendants.**

**ORDER GRANTING MOTION FOR NEW SCHEDULING ORDER AND  
ENTERING AMENDED SCHEDULING/DOCKET CONTROL ORDER**

On February 1, 2022, the Court held a hearing regarding Plaintiffs' Motion for New Scheduling Order ("Motion"). [Dkt. #56]. Having considered the briefing, the arguments of counsel, and all relevant authority, the Court finds the Motion to be meritorious. Accordingly, the Court **GRANTS** the Motion and **ORDERS** that these deadlines shall replace and supersede the deadlines in the current Alternative Scheduling Order (Dkt. #5):

- A. TRIAL DOCKET CALL & PRETRIAL CONFERENCE. The docket call for trial in this matter will be held on April 10, 2023 at 1:30 PM at 1100 Commerce Street, 14th Floor, Courtroom #1, Dallas, Texas 75242. Trial will take place during the month of **April 2023** unless otherwise ordered by the Court.
  - B. TRIAL STATUS CONFERENCE. A status conference will be held on January 9, 2023 at 2:30 PM at 1100 Commerce Street, 14th Floor, Courtroom #1, Dallas, Texas 75242. At this status conference, the parties are expected to be prepared to discuss the status of this matter as it relates to its progression to trial.
  - C. RULE 26(F) CONFERENCE. By March 3, 2022, the parties must confer about those matters listed in Federal Rule of Civil Procedure 26(f).
  - D. RULE 26(A)(1) DISCLOSURES. By March 17, 2022, each party must provide to the other parties the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1).
  - E. AMENDMENTS TO PLEADINGS. By July 30, 2022, Plaintiff party must have sought leave to amend its complaint. Response to any amended complaint shall be due within Fifteen (15) days after filing of such amended complaint after leave is granted. With respect to any other pleading on file as of the date of this order other parties shall have until April 15,
-

2022 by which to seek leave to amend. All rights are reserved to all Parties with respect to amendment of pleadings.

- F. EXPERT DISCLOSURES & REPORTS. By October 31, 2022, each party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705 and provide a report complying with Federal Rule of Civil Procedure 26(a)(2)(B).
  - G. REBUTTAL EXPERT REPORTS. By December 7, 2022, each party must provide to the other parties any written rebuttal expert reports.
  - H. FACT DISCOVERY. By January 16, 2023, the parties must have completed all fact discovery.
  - I. EXPERT DEPOSITIONS. By January 16, 2023, the parties must have completed the depositions of all experts.
  - J. DISPOSITIVE MOTIONS. By January 23, 2023, the parties must have filed all dispositive motions, which must be heard by February 28, 2023.
  - K. TRIAL EXHIBITS & TRIAL WITNESSES. By March 27, 2023, the parties must have filed a list of trial exhibits and exchanged all such trial exhibits (except for impeachment documents and demonstratives) and filed a list of witnesses to be called at trial. Each exhibit shall be marked with an exhibit label. By April 3, 2023, the parties, after conferring, must file any objections to trial exhibits and trial witnesses. All exhibits not objected to in writing by this date will be admitted into evidence at trial without further proof. Written objections to exhibits shall be taken up either at the beginning or during trial or at the pretrial conference.
  - L. PRE-TRIAL MOTIONS. By April 3, 2023, the parties must have filed all pre-trial motions, such as motions in limine and motions challenging the admissibility of expert testimony.
-

M. JOINT PRE-TRIAL ORDER. By April 3, 2023, the parties must have filed a joint pre-trial order in compliance with Local District Court Rule 16.4. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney.

N. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW & TRIAL BRIEFS. By April 3, 2023, the parties must have filed written proposed findings of fact and conclusions of law. Any trial briefs addressing contested issues of law shall also be filed by this date.

This Order is being entered without prejudice to the rights of the parties to seek to extend or modify the terms of this Amended Scheduling/Docket Control Order.

## END OF ORDER ##

---

**ORDER SUBMITTED BY:**

/s/ Joseph Y. Ahmad

Joseph Y. Ahmad

**ATTORNEY IN CHARGE**

Texas Bar No. 00941100

Federal Bar No. 11604

Shawn M. Bates

Texas Bar No. 24027287

Federal Bar No. 30758

Alexander R. Hernandez

Texas Bar No. 24106086

**AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI, & MENSING, P.C.**

1221 McKinney St. Suite 2500

Houston, Texas 77010

(713) 655-1101 Telephone

(713) 655-0062 Facsimile

joeahmad@azalaw.com

sbates@azalaw.com

ahernandez@azalaw.com

Jeff P. Prostok

State Bar No. 16352500

J. Robert Forshey

State Bar No. 07264200

Suzanne K. Rosen

State Bar No. 00798518

**FORSHEY & PROSTOK LLP**

777 Main St., Suite 1550

Fort Worth, Texas 76102

(817) 877-8855 Telephone

(817) 877-4151 Facsimile

jprostok@forsheyprostok.com

bforshey@forsheyprostok.com

srosen@forsheyprostok.com

**COUNSEL FOR ACIS CAPITAL MANAGEMENT, L.P.  
AND ACIS CAPITAL MANAGEMENT GP, LLC**

---